



**Project title:**

An Ordinance Removing "Supportive Housing" as a Permitted Use in Single-Family Zones, Repealing Ordinance No. 3500-16 (EMC 19.39.155), and Revising Parking Standards for Supportive Housing, amending Section 2 of Ordinance No. 3616-18 (EMC 19.34.020)

**Council Bill #**

CB1911-54

**Agenda dates requested:**

January 15, 2020

Briefing

Proposed action X

Consent

Action X

Ordinance X

Public hearing was held on  
December 4, 2019

**Budget amendment:**

Yes X No

**PowerPoint presentation:**

Yes X No

**Attachments:**

Ordinance

**Department(s) involved:**

Planning, Legal

**Contact person:**

Allan Giffen

**Phone number:**

425-257-8725

**Email:**

agiffen@everettwa.gov

**Initialed by:**

Department head

Administration

Council President

**Consideration:** Ordinance

**Project:** N/A

**Partner/Supplier :** N/A

**Location:** City Wide

**Preceding action:** In 2016 Council adopted Ordinance No. 1671-90 allowing supportive housing on publicly owned property in single-family zones. The City Council held a public hearing on December 4, 2019, concerning supportive housing in single family residential zones.

**Fund:** N/A

**City Council Agenda Item Cover Sheet**

**Fiscal summary statement:** N/A

**Project summary statement:**

The ordinance would remove supportive housing as a permitted use in single-family zones, and continue the parking reduction available to supportive housing projects permitted in other zones but tailor the parking requirement to each project through a parking study.

**Recommendation (exact action requested of Council):**

Adopt Ordinance Removing "Supportive Housing" as a Permitted Use in Single-Family Zones, Repealing Ordinance No. 3500-16 (EMC 19.39.155), and Revising Parking Standards for Supportive Housing, amending Section 2 of Ordinance No. 3616-18 (EMC 19.34.020)

ORDINANCE NO. \_\_\_\_\_

**An ORDINANCE Removing “Supportive Housing” as a Permitted Use in Single-Family Zones, Repealing Ordinance No. 3500-16 (EMC 19.39.155), and Revising Parking Standards for Supportive Housing, amending Section 2 of Ordinance No. 3616-18 (EMC 19.34.020).**

**WHEREAS**, the City Council finds the following:

1. “Supportive housing,” as defined in Everett’s zoning code, is multi-family housing in which certain supportive services are provided to the residents.
2. On June 8, 2016, the Everett City Council adopted Ordinance No. 3500-16, allowing supportive housing on publicly owned land in single-family zones.
3. On June 12, 2019, the Everett City Council enacted a moratorium on the development of supportive housing in single family zones.
4. On July 10, 2019, the City Council conducted a public hearing and identified a list of issues for the Planning Commission to address relative to supportive housing in single family zones.
5. The Planning Commission held public workshops on August 20 and September 17, 2019, and a public hearing on October 15, 2019.
6. The Planning Commission recommended eliminating “supportive housing” as a permitted use in single-family residential zones and amending the regulations for supportive housing in other zones.
7. The City Council held a public hearing on December 4, 2019, to consider the Planning Commission recommendation and take public testimony.
8. On December 11, 2019, the City Council passed a motion extending the moratorium for 90 days.
9. The City Council has determined that all housing in single family zones must comply with the development standards applicable in the zone in which the project is located, and that the rezone process is the appropriate process to allow multiple family residential structures on land currently zoned single-family.
10. Council wishes to amend the off-street parking standards for supportive housing to tailor the parking requirement to the needs of each project.

**WHEREAS**, the City Council concludes the following:

1. The City has followed the procedural requirements for considering amendments to the regulations of the zoning code.
2. Removing “supportive housing” as a permitted use on publicly owned land in single family zones will reduce the potential for supportive housing in Everett by up to four sites. Given the amount of land zoned for multiple family housing in multi-family and commercial / mixed use zones elsewhere in the city, this reduction will not result in a lack of opportunities to establish supportive housing in Everett.
3. Amending the zoning code regulations to remove “supportive housing,” which by definition consists of multiple-family housing, as a permitted use in single-family zones is consistent with comprehensive plan policies regarding the protection of single-family neighborhoods, and land use policies calling for the preservation of single-family zoned neighborhoods for compatible residential use.
4. Supportive housing will continue to be a permitted use in zones that allow multiple family housing with the same review process and development standards as multiple family housing, consistent with State law, the Fair Housing Act, and Americans with Disabilities Act.
5. The recommended action provides for the public health, safety and welfare.
6. The recommended action promotes the best long-term interests of the Everett community.

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1.**

Section 36 of Ordinance No. 2397-99, as amended by Section 2 of Ordinance No. 3500-16, Table No. 5.1 (EMC 19.05, Table No. 5.1), which reads as follows:

ZONE USE	A-1	R-S	R-1	R-2	R-1(A) R-2(A)	R-3(L)	R-3	R-4 R-5	B-1	B-2 B-2(B)	BMU	E-1	MUO	C-1 C-1R	C-2	W-C	M-S	M- M	M- 1	M- 2
Supportive housing		III(18) (27)	III(18) (27)	III(18) (27)	III(18) (27)		II(7)	II(7) (20)	II(10)	II(7)	II(7)	II(7)	II(7)	II(7)		II(7) (24)				

Is hereby amended to read as follows:

ZONE  USE	A-1	R-S	R-1	R-2	R-1(A)	R-	R-4	B-2	B-	BMU	E-1	MUO	C-1	C-2	W-C	M-S	M-	M-	M-
					R-2(A)	3(L)							R-3				R-5	B-1	2(B)
Supportive housing								II(7)							II(7)				
		III(18) (27)	III(18) (27)	III(18) (27)	III(18) (27)	II(7) (27)	II(7) (27)	(20) (27)	II(10) (27)	II(7) (27)	II(7) (27)	II(7) (27)	II(7) (27)	II(7) (27)	(24) (27)	- (27)	-	-	

**Section 2.** Section 4 of Ordinance No. 3500-16, Special Regulation No. 27 (EMC Chapter 19.05, Table No. 5.1), which reads as follows:

(27) Permitted only on land owned by a public agency or that the public agency has transferred to another entity for the purpose of developing supportive housing.

Is hereby repealed.

**Section 3.** Section 2 (Exhibit 1) of Ordinance No. 3616-18 (EMC 19.34.020, Table No. 34-1), which reads as follows:

**Table 34-1: Off-Street Parking**

**Spaces Required**

Land Use	Minimum <b>Parking Spaces</b> Required*
<b>RESIDENTIAL</b>	<i>Spaces per dwelling unit unless otherwise indicated</i>
Group housing, including group homes, supportive housing, temporary	<i>1 per 4 bedrooms, plus 1 per every 2 employees on</i>



**Table 34-1: Off-Street Parking  
Spaces Required**

Land Use	Minimum <b>Parking Spaces</b> Required*
housing (temporary shelter home)	<i>shift (2 spaces minimum)</i>

Is hereby amended to read as follows:

**Table 34-1: Off-Street Parking  
Spaces Required**

Land Use	Minimum <b>Parking Spaces</b> Required*
<b>RESIDENTIAL</b>	<i>Spaces per dwelling unit unless otherwise indicated</i>
Group housing, including group homes, <u>supportive housing</u> , temporary housing (temporary shelter home)	<i>1 per 4 bedrooms, plus 1 per every 2 employees on shift (2 spaces minimum)</i>
<u>Supportive housing</u>	<i><u>As determined by planning director and city engineer, with no less than a minimum of 1 per 4 bedrooms, plus 1 per every 2 employees on shift (2 spaces minimum). When allowed to be less than required for multiple family housing, must be located within 1,320 feet walking distance of public transit</u></i>

**Table 34-1: Off-Street Parking**

**Spaces Required**

Land Use	Minimum <b>Parking Spaces</b> Required*
	<u>stop, with pedestrian access on sidewalk or safe walking path.</u>

**Section 4.** Section 8 of Ordinance No. 3500-16 (EMC 19.39.155), which reads as follows:

**Supportive housing.**

A. Permanent supportive housing shall comply with the development standards and design guidelines for multiple-family development for the zone in which such housing is located except as specified herein.

1. The allowed density shall be the number of units that can be placed on the site while meeting the dimensional standards and all other required standards of the zone in which the project is located except that in single-family zones, building height shall be determined during the review process based upon compatibility with surrounding uses.
2. Access to transit must be available within five hundred feet of the development.
3. A written management plan shall be provided for the review and approval of the planning director. At a minimum, a management plan shall address the following components:
  - a. Specify the nature of the supportive housing project and its intended occupants;
  - b. Identify potential impact(s) on nearby residential uses and proposed methods to mitigate those impacts;
  - c. Include a neighborhood outreach plan that addresses how the applicant will communicate with and inform the neighborhood before and after project approval;
  - d. Identify the project management or agency to whom support staff are responsible and who will be available to resolve concerns pertaining to the facility. The plan shall specify procedures for updating any changes in contact information;

- e. Identify staffing, supervision and security arrangements appropriate to the facility. A twenty-four-hour on-site manager is required;
  - f. On-site services shall be for residents of the facility only;
  - g. The management plan will contain requirements for updating all contact information to the city when changes occur;
  - h. If the planning director determines at any time there is evidence of fraud in obtaining the permit; concealment or misrepresentation of any material fact on the application or on any subsequent applications or reports; or that the supportive housing project is found to be in violation of the approved plans, conditions of approval, or the terms of the permit or management plan, and the owner has failed to correct the violation after proper notice thereof; then the city may initiate compliance proceedings as provided by Chapter 1.20.
4. A use compliance inspection or report may be required periodically by the city as determined by the planning director. If a permanent supportive housing project is discontinued or abandoned, future use of the property shall be in conformance with the use and development standards of the underlying zone or overlay zone.

**Is hereby repealed.**

**Section 5.** The moratorium established by Ordinance No. 3686-19, as extended by City Council motion on December 11, 2019, shall become void upon the effective date of this ordinance.

**Section 6. Conflict.** In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

**Section 7. Severability.** Should any section, subsection, paragraph, sentence, clause, phrase, or portion of this Ordinance or its application to any person or situation, be declared unconstitutional, invalid for any reason, or preempted by state or federal law or regulations, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other persons or situations. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, paragraph, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases, or portions be declared unconstitutional, invalid, or preempted.

**Section 8.**     **General Duty.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees, or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees, or agents.

**Section 9.**     **Savings.** The enactment of this Ordinance shall not affect any case, proceeding, appeal, or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

**Section 10.**   **Corrections.** The City Clerk is authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers, and any references thereto.

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Cassie Franklin, Mayor

ATTEST:

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Sharon Fuller, City Clerk

PASSED: \_\_\_\_\_

VALID: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_